

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Jeffrey Sutton

Serial No. :

Art Unit:

Filed : Herewith

Examiner:

For : Helical Probe

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6/26/03

(Date of Deposit)

DePuy AcroMed, Inc.

(Name of applicant, assignee, or Registered Representative)

Haren Day

(Signature)

6/26/03

(Date of Signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or

☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ There are no listed references which are not in the English language.

☐ The relevance of those listed references which are not in the English language is as follows:

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/DEP5114/TMD. This form is submitted in triplicate.

Respectfully submitted,

Thomas M. DiMauro 6-25-03
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DATED:

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 1

Application Number

Filing Date

Herewith

First Named Inventor

Jeffrey Sutton

Group Art Unit

Examiner Name

Attorney Docket Number

DEP5114

U.S. PATENT DOCUMENTS

| Examiner Initials | Cite No. ¹ | U.S. Patent Document | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document mm-dd-yyyy | Pages, Columns, Lines, where relevant passages or relevant figures appear |
|----------------------|--------------------------|----------------------|--------------------------------------|----------------------------------------------------|--------------------------------------------------------|---------------------------------------------------------------------------------|
| | | Number | Kind Code ² (if known) | | | |
| | AA | 2003/0014127 | A1 | TALJA et al. | 01-16-2003 | |
| | AB | 6,280,441 | B1 | RYAN | 08-28-2001 | |
| | AC | 6,179,836 | B1 | EGGERS et al. | 01-30-2001 | |
| | AD | 6,071,280 | | EDWARDS et al. | 06-06-2000 | |
| | AE | 6,035,238 | | INGLE et al. | 03-07-2000 | |
| | AF | 5,569,242 | | LAX et al. | 10-29-1996 | |
| | AG | 5,458,596 | | LAX et al. | 10-17-1995 | |
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FOREIGN PATENT DOCUMENTS

| Examiner Initials | Cite No. ¹ | Foreign Patent Document | | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document mm-dd-yyyy | Pages, Columns, Lines, where relevant passages or relevant figures appear | T ⁶ |
|----------------------|--------------------------|-------------------------|---------------------|------------------------|----------------------------------------------------|--------------------------------------------------------|------------------------------------------------------------------------------------|----------------|
| | | Office ³ | Number ⁴ | Kind Code ⁵ | | | | |
| | BA | WIPO | 02/28302 | A1 | EXPANDING CONCEPTS LLC | 11-04-2002 | | |
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Examiner
Signature

Date

Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231.

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INTERNATIONAL SEARCH REPORT

International application No.
PCT/US01/91228

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : A61B 18/18

US CL : 606/014

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 606/18-16

607/88, 89, 96, 99-102

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category* | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|-----------|------------------------------------------------------------------------------------|-----------------------|
| X | US 6,007,570 A (Sharkey et al.) 28 December 1999. See entire document. | 1-3 |
| --- | | --- |
| Y | | 4-20 |
| Y | US 6,095,149 A (Sharkey et al.) 01 August 2000. See entire document. | 4-20 |
| Y, P | US 6,283,960 B1 (Ashley) 04 September 2001. See entire document. | 4-20 |

☐ Further documents are listed in the continuation of Box C. ☐ See patent family annex.

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| * Special categories of cited documents: | "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention |
| "A" document defining the general state of the art which is not considered to be of particular relevance | "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone |
| "E" earlier document published on or after the international filing date | "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art |
| "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) | "G" document member of the same patent family |
| "O" document referring to an oral disclosure, use, exhibition or other means | |
| "P" document published prior to the international filing date but later than the priority date claimed | |

Date of the actual completion of the international search

16 NOVEMBER 2001

Date of mailing of the international search report

17 JAN 2002

Name and mailing address of the ISA/US
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